

1 (3) REMARKS

2 In re Action Para. 1

3 No reply required.

4 In re Action Para. 2:

5 No reply required.

6 In re Action Para. 3:

7 See claims submitted herewith.

8 In re Action Para. 4 and 5:

9 Paragraphs 4 and 5 reject enumerated claims under "Sheridan (EP 0427 507 A2)" and  
10 "Sheridon (US 5,389,945)." Both inventor names are "Nicholas K. Sheridan/Sheridon";  
11 both cases are assigned to Xerox. Applicant is informed and believes the EP case  
12 merely has a typographical error in the name. Both describe the same conventional  
13 technology which is directly distinguished by applicant Vincent in the Background of the  
14 Invention section of the present application. Therefore, these are referred to hereinafter  
15 as the "Xerox references."

16 Both Xerox references are for "microsphere" technology. See e.g. Abstract etc. The  
17 technology in each of Vincent's independent claims is directed to "molecular" level  
18 elements, not microspheres. The differences in means, mechanisms, functions and  
19 results between the two types of technology are numerous. For the main part, the  
20 equating of "microsphere" technology to "molecular" colorants - - as defined in the  
21 present application and particularly described in depth in the Appendix - - is like saying  
22 there is no difference between a basketball and an ink-dot on a piece of paper.

1 Sometimes known as "nanotechnology," such single molecule switches of Vincent's  
2 invention are many, many orders of magnitude smaller than any microsphere (also  
3 referred to in the art as a "microcapsule") that can be fabricated. Moreover, there is not  
4 only a vast difference in scale between the two, there is a difference in the operational  
5 mechanism employed. For the convenience of the Office, **Exhibit 1**, the last page  
6 hereto, provides a comparison of the molecular elements of the present invention to  
7 conventional pixel elements such as described in the Xerox references.

8 In summary, each described Xerox microcapsules is hollow spherical shell known in the  
9 art as a "gyricon" having black and white hemispheres which have their position affected  
10 by an electrical field. This is a type of electrophoretic movement of a fixed colorant  
11 toward and away from the viewer. The present invention's molecular colorant has  
12 individual molecules that are each a true optical switch wherein each molecular switch is  
13 "flipped" by electricity, involving molecular band gap color changes within each  
14 molecule.

15 Claims do not have to include "means for" language to be required to be read in view of  
16 the specification from which they derive antecedent basis. It is axiomatic that claims are  
17 not to be interpreted in a vacuum. Slimfold Mfg. Co. v. Kinkead Indus., 810 F.2d 1113, 1  
18 USPQ 2d 1563 (Fed. Cir. 1987); Moleculon Res. Corp. v. CBS, Inc., 793 F.2d 1261, 229  
19 USPQ 805 (Fed. Cir. 1986). The claim and specification language must be considered.  
20 DMI, Inc. v. Deere & Co., 755 F.2d 1570, 225 USPQ 236 (Fed. Cir. 1985). By ignoring  
21 the present application's use of the claims limitations as discussed in the Detailed  
22 Description, the argument as set forth in the Action ignores this requirement.  
23 Understanding, or Interpreting, a limitation *already in a claim* in light of the Detailed  
24 Description is not the same as an impermissible reading of a limitation into a claim.  
25 Otherwise, these court decisions are rendered meaningless.

26 Moreover it is noted, with a due respect, that there are many limitations in the claims  
27 which the Examiner does not address when making the rejections. That is improper.  
28 The official action fails to comply with the rules of practice, particularly 37CFR 1.104 (c)  
29 (2).

1 Withdrawal of the rejections is respectfully requested. Full compliance with the rules of  
2 practice is also respectfully requested.

3 In re Action Para. 6 and 7:

4 Terminal Disclaimers are filed herewith.

5 In re Action Para. 8:

6 No reply required.

7 Questions or suggestions that will advance the case to allowance may be directed to the  
8 undersigned by teleconference at the Examiner's convenience.

9 I hereby certify that this correspondence is  
10 being deposited with the United States Post  
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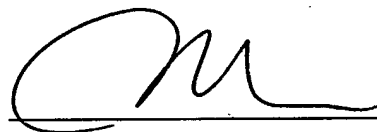
18 (Name of Person Transmitting)

19 (Signature)

20 June 14, 2005

21 (Date)

Respectfully submitted,  
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